

PAYNE & FEARS LLP

ATTORNEYS AT LAW
6385 S. RAINBOW BLVD., SUITE 220
LAS VEGAS, NEVADA 89118
(702) 851-0300

1 Scott S. Thomas, Nevada Bar No. 7937
sst@paynefears.com
2 Sarah J. Oda, Nevada Bar No. 11053
sjo@paynefears.com
3 PAYNE & FEARS LLP
6385 S. Rainbow Blvd., Suite 220
4 Las Vegas, Nevada 89118
Telephone: (702) 851-0300
5 Facsimile: (702) 851-0315

6 *Attorneys for Plaintiff/Counter-Defendant*
7 *PN II, INC.*

8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 PN II, INC. dba PULTE HOMES and/or DEL
11 WEBB, a Nevada corporation,

12 Plaintiff,

13 v.

14 NATIONAL FIRE & MARINE INSURANCE
15 COMPANY; and DOES 1 through 100,
16 inclusive,

17 Defendants.

18 NATIONAL FIRE & MARINE INSURANCE
19 COMPANY, a Nebraska insurance company,

20 Counter-Claimant,

21 v.

22 PN II, INC. dba PULTE HOMES and/or DEL
23 WEBB, a Nevada corporation,

24 Counter-Defendant.

25 NATIONAL FIRE & MARINE INSURANCE
26 COMPANY, a Nebraska insurance company,

27 Third-Party Plaintiff,

28 v.

PN II, INC. dba PULTE HOMES and/or
DEL WEBB, a Nevada corporation;
CONTRACTORS INSURANCE COMPANY
OF NORTH AMERICA, INC., a Hawaii
corporation,

Third-Party Defendants.

Case No. 2:20-cv-01383-ART-BNW

**STIPULATION AND [PROPOSED]
ORDER TO EXTEND DISPOSITIVE
MOTION DEADLINE**

(First Request)

**TO THE HONORABLE COURT, AND TO ALL PARTIES AND THEIR ATTORNEYS
OF RECORD:**

Plaintiffs/Counter-Defendants PN II, Inc. dba Pulte Homes and Del Webb (collectively, “Pulte”), Defendant/Counter-Claimant/Third-Party Plaintiff National Fire & Marine Insurance Company (“National Fire”), and Third-Party Defendant Contactors Insurance Company of North America (“CICNA”), by and through their respective counsel of record, hereby stipulate to extend the dispositive motion deadline from March 13, 2023, to March 24, 2023 (ECF No. 53). This is the first request for an extension specific to extend the dispositive motion deadline.

The parties are pursuing discovery diligently. Pursuant to the Court’s Order on January 9, 2023 and the parties’ agreement, the parties are performing depositions of counsel for National Fire, CICNA, and Pulte. (ECF No. 9). The parties have attempted to complete these depositions prior to the dispositive motion deadline of March 13, 2023, but have not been able to do so due to the following unforeseen circumstances: The deposition of National Fire’s counsel, Martin Shives went forward on February 23, 2023; however, the deposition was unable to be completed in one day (the parties were on the record for approximately 4 hours.) Despite Mr. Shives’ willingness to stay until completion of his deposition on February 23, 2023, the assigned court reporter advised during the deposition of a scheduling conflict necessitating early adjournment of the deposition.

The depositions of Messrs. VonderHaar and Thomas, are scheduled to take place on March 7 and March 8; and the parties anticipate completing these depositions in a single day, but it is possible they may require more time. In any event, these dates leave only two business days before the current dispositive motion deadline to receive transcripts and incorporate testimony into dispositive motions. Messrs. VonderHaar, Thomas, and Shives are all witnesses and counsel of record in this case. As practicing attorneys, their schedules did not make it possible to complete the unexpected second Shives’ deposition session prior to the March 13, 2023 dispositive motion deadline. The parties have met and conferred regarding their respective schedules and agreed that Mr. Shives’ continued deposition can proceed on March 14, 2023 – one day after the current dispositive motion deadline. Accordingly, the parties have agreed to stipulate to continue the dispositive motion deadline to March 24, 2023, 10 days after the completion of Mr. Shives’

PAYNE & FEARS LLP

ATTORNEYS AT LAW
6385 S. RAINBOW BLVD., SUITE 220
LAS VEGAS, NEVADA 89118
(702) 851-0300

1 second deposition. Finally, the parties stipulate and agree that the requested extension is being
2 made without prejudice to other orders previously made or to be made by the court.

3 In accordance with LR IA 6-1, there have been no prior extensions solely to extend the
4 dispositive motion deadline; there have been five prior stipulations for the extension of time
5 regarding discovery deadlines (ECF No. 52). There have been three prior stipulations to extend the
6 expert disclosure dates (ECF No. 83); and there has been one prior stipulation for the extension of
7 expert deposition dates (ECF No. 87).

8 IT IS SO STIPULATED.

9 DATED: March 3, 2023

PAYNE & FEARS LLP

10 /s/ Scott S. Thomas

11 Scott S. Thomas

12 Sarah J. Odia

13 6385 S. Rainbow Blvd., Suite 220

14 Las Vegas, Nevada 89118

15 Attorneys for Plaintiff/Counter-Defendant PN II, Inc.

16 DATED: March 3, 2023

NICOLAIDES FINK THORPE

17 MICHAELIDES SULLIVAN LLP

18 /s/ Dawn A. Hove

19 Jeffrey N. Labovitch

20 Dawn A. Hove (*pro hac vice*)

21 Attorneys for Defendant, Counterclaimant

22 and Third-Party Plaintiff National

23 Fire & Marine Insurance Company

24 DATED: March 3, 2023

SHIVES & ASSOCIATES LIMITED

25 /s/ Martin L. Shives

26 Martin L. Shives

27 Attorneys for Defendant, Counterclaimant

28 and Third-Party Plaintiff National Fire &

Marine Insurance Company

PAYNE & FEARS LLP

ATTORNEYS AT LAW
6385 S. RAINBOW BLVD., SUITE 220
LAS VEGAS, NEVADA 89118
(702) 851-0300

1 DATED: March 3, 2023

BROWN, BONN & FRIEDMAN, LLP

2 /s/ Thomas Friedman

3 Thomas Friedman
4 Attorneys for Defendant, Counterclaimant
5 and Third-Party Plaintiff National Fire &
6 Marine Insurance Company

6 DATED: March 3, 2023

MRV LAW, INC.

7 /s/ Mark R. VonderHaar

8 Mark R. VonderHaar
9 Attorneys for Defendant, Counterclaimant
10 Contactors Insurance Company of North
11 America

10 DATED: March 3, 2023

LEE LANDRUM & INGLE, APC

12 /s/ Natasha Landrum

13 Natasha Landrum
14 Attorneys for Defendant, Counterclaimant
15 Contactors Insurance Company of North
16 America

16 **ORDER**

17 IT IS SO ORDERED. All parties have until March 24, 2023, to file dispositive motions.

18 DATED: March 6, 2023

20 

21 UNITED STATES MAGISTRATE JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of March, 2023, a true and correct copy of **STIPULATION AND [PROPOSED] ORDER TO EXTEND DISPOSITIVE MOTION DEADLINE (First Request)** was served via United States mail and email to the parties listed below:

Natasha A. Landrum LEE, LANDRUM & INGLE 7575 Vegas Drive, Ste. 150 Las Vegas, Nevada 89128 Tel: (702) 880-9750 Fax: (702) 314-1210 nlandrum@lee-lawfirm.com	Attorneys for Third-Party Defendant CONTRACTORS INSURANCE COMPANY OF NORTH AMERICA
Mark R. VonderHaar Joanne D. Turner MRV LAW, INC. 2442 4th Avenue, Suite 100 San Diego, California 92101 Tel: (619) 717-8503 Fax: (619) 717-6379 mvonderhaar@mrvmc.com jdturner@mrvmc.com	
Martin L. Shives SHIVES & ASSOCIATES LIMITED 7473 West Lake Mead Blvd., Suite 100 Las Vegas, Nevada 89128 Tel: (702) 562-8188 Fax: (702) 947-4696 martinshives@summers-shives.com	Attorneys for Defendant NATIONAL FIRE & MARINE INSURANCE COMPANY
Thomas Friedman BROWN, BONN & FRIEDMAN, LLP 5528 South Fort Apache Road Las Vegas, Nevada 89148 Tel: (702) 942-3900 Fax: (702) 942-3901 tfriedman@brownbonn.com	
Jeffrey N. Labovitch Dawn A. Hove Timothy P. Kitt Nicolaides Fink Thorpe Michaelides Sullivan LLP 4250 Executive Square, Suite 540 La Jolla, CA 92037-1482 Tel: (858) 257-0700 Fax: (858) 257-0701 jlabovitch@nicolaidesllp.com dhove@nicolaidesllp.com tkitt@nicolaidesllp.com	

/s/ Jennifer Stephens

Jennifer Stephens, an Employee of
 PAYNE & FEARS LLP

4876-7004-6292.1